

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR), Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and, after adoption, the final regulations are published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year. Although revised editions of 49 CFR are usually dated October or November, the publication is not actually available in Iowa for several months after that date.

The amendments to the FMCSR and the HMR that have become final and effective since the 2007 edition of the CFR are listed in the information below. The parts affected are followed by FR citations.

#### Amendments to the FMCSR and Federal HMR

##### Parts 172 and 178 (FR Vol. 72, No. 201, Page 59146, 10-18-07)

This correction from the Pipeline and Hazardous Materials Safety Administration (PHMSA) corrects editorial errors in Parts 172 and 178 of the final rule issued October 1, 2007. Effective date: October 18, 2007.

##### Part 172 (FR Vol. 73, No. 4, Pages 1089-1115, 01-07-08)

This final rule from the PHMSA amends the HMR by revising and correcting editorial errors to the list of hazardous substances and reportable quantities in Part 172. The Environmental Protection Agency (EPA) requires PHMSA to list and regulate all hazardous substances designated by the EPA. This final rule enables shippers and carriers to identify the affected hazardous substances, comply with all applicable regulatory requirements, and make the required notifications if the release of a hazardous substance occurs. Effective date: March 31, 2008.

##### Parts 171, 172, 173, 175, 177, 178, 180 (FR Vol. 73, No. 18, Pages 4699-4720, 01-28-08)

This final rule from the PHMSA amends the HMR to update, clarify or provide relief from certain requirements governing the classification, packaging, or labeling of hazardous materials transported in commerce. In addition, PHMSA is updating references to consensus standards, revising and clarifying certain hazard communication requirements, and clarifying transportation requirements applicable to dry ice, detonator assemblies, and explosives. PHMSA is also expanding exceptions from regulation for small quantities of hazardous materials. Effective date: October 1, 2008.

Part 172 (FR Vol. 73, No. 137, Page 40914, 07-16-08)

This correction from the PHMSA corrects an editorial error in Part 172 of the final rule issued January 28, 2008. Effective date: October 1, 2008.

Parts 171, 172, 173, 175, 176, 178, 179 and 180 (FR Vol. 73, No. 191, Pages 57001-57008, 10-01-08)

This final rule from the PHMSA corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The amendments contained in this rule are nonsubstantive changes. Effective date: October 1, 2008.

Part 172 (FR Vol. 73, No. 191, Pages 57008-57010, 10-01-08)

This correction from the PHMSA corrects editorial errors in Part 172 of the final rule issued October 1, 2007. Effective date: October 1, 2008.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than March 31, 2009.

A meeting to hear requested oral presentations is scheduled for Thursday, April 2, 2009, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 S.E. Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by April 13, 2009.

These amendments are intended to implement Iowa Code chapter 321.

Proposed rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

*a. Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2007~~ 2008).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

*b. Hazardous materials regulations.* The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2007~~ 2008).